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COMMISSION ON HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 51st MEETING
(SECOND PART)*

Held at the Palais des Nations, Geneva,
on Wednesday, 1 March 1995, at 7 p.m.

Chairman: Mr. DOBREV (Bulgaria)
(Vice-Chairman)

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* The summary record of the first part of the meeting appears as document E/CN.4/1995/SR.51.

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The meeting was reconvened at 10.25 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

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1. Mr. WORONIECKI (Poland) said that the international community had a moral, political and legal responsibility to react to human rights abuses wherever they occurred. His delegation did not agree that condemnation of the situation of human rights in other countries constituted interference in their internal affairs, and noted that the reaction of countries to such criticism showed that the Commission's opinion carried weight.

2. Armed conflicts continued to be the source of the most shocking violations of human rights, and abuses against women and children, including rape and forced prostitution, had been used as a tactic of war and an instrument of ethnic cleansing by paramilitary forces. The conflict in Chechnya was a telling example of the human suffering brought about as a result of an armed conflict. His Government associated itself with the Chairman's statement on Chechnya and remained deeply concerned about the situation of human rights there. For historical reasons, Poland had a legitimate interest in the maintenance of peace and democracy in its region. While there was no question that Chechnya was part of the Russian Federation, violations of human rights and disregard for international humanitarian law had given rise to concern in the international community, and Poland joined the appeals for a cease-fire, which should open the way to a peaceful and fair settlement - the basis for restoring respect for human rights. The use of force only exacerbated the situation.

3. Summary executions, extrajudicial killings and enforced and involuntary disappearances also occurred in countries in which no armed conflict was taking place. The reports of special rapporteurs and working groups had pointed to Burundi, Liberia, Myanmar, Rwanda, Somalia, the Sudan and Togo as countries in which such abuses had been observed.

4. Human rights had been violated in Cyprus for almost 20 years in disregard of United Nations resolutions. Consequently, the Commission must continue to focus its attention on that unresolved problem.

5. His delegation was encouraged to note, however, that the human rights situation in some countries, such as South Africa, and in regions such as the Middle East had dramatically improved or at least seen considerable

progress. The Commission should place more emphasis on identifying and commending progress so as to encourage Governments to pursue their efforts; that would also make its recommendations more balanced.

6. Mr. ANTONIO (Observer for Haiti) said that, on 15 October 1994, the rule of law had prevailed over the rule of force in Haiti. Without the active non-violent resistance of the Haitian people and the support of the international community, the restoration of the rule of law would not have been possible. The balance of three years of military dictatorship had been terrible: more than 4,000 deaths, 55,000 persons tortured, 10,000 arbitrary arrests, more than 40,000 refugees and 350,000 persons internally displaced. The people of Haiti sought justice, and there could be no national reconciliation as long as the crimes committed went unpunished. On 17 December 1994, President Aristide had set up the Commission on Justice and Truth to investigate the human rights violations perpetrated under the dictatorship and to cast light on the activities of private illegal paramilitary groups which, acting in complete impunity with the backing of the de facto Haitian State, had systematically committed crimes of a political nature. A report would be prepared and made public.

7. Throughout Haiti's history, the armed forces had been an obstacle to reform and the rule of law. Since President Aristide's return to power, troop strength had been reduced from 7,000 to 1,500, the police and the army had been separated, as provided for under the Constitution, and a police academy had been created under the Ministry of Justice.

8. The broad programme to strengthen the country's legal institutions introduced by his Government emphasized merit and training. To provide an alternative to individual vengeance, his Government had created a Legal Assistance Office to enable all victims of the dictatorship to have legal assistance free of charge and to receive material compensation, as well as to ensure that those responsible for human rights violations were brought to justice. The Office would be particularly active in those areas that had been the targets of the worst political repression during the previous three years. The new Minister of Justice had begun investigating the most highly publicized cases, namely, the murders of Antoine Izméry, François-Guy Malary and Father Jean Marie Vincent, and the assault on Bishop Willy Romulus.

9. In consultation with the political parties, his Government had set up an electoral council to organize the next legislative and municipal elections on 4 June 1995. Voting legislation had recently been promulgated and published, and presidential elections would be held within a few months.

10. The restoration of the rule of law in Haiti posed an enormous challenge, and his Government hoped to continue its cooperation with the Commission in that regard. It would be of tremendous help if the Centre for Human Rights could support the Commission on Justice and Truth in its work. Haiti looked forward to continued cooperation with the Commission in the framework of consultative services in the field of human rights.

11. Mr. KESAVAPANY (Observer for Singapore) said that the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1995/61) had referred to the death sentences imposed on Abdullah A. Rahman and Lim Choon Chye for drug trafficking. His delegation stated categorically that no extrajudicial, summary or arbitrary executions took place in Singapore. Capital punishment was provided for in Singapore under its laws for certain serious crimes. Those in violation of those laws were afforded due legal process consisting of a preliminary inquiry and an open trial. If found guilty and sentenced to death, the accused had the right to appeal to a higher court. Finally, the accused could petition the President for clemency. It was only after all legal avenues had been exhausted and the petition turned down that the sentence was carried out.

12. In July 1994, the Special Rapporteur had made an appeal in the two cases, which had been immediately brought to the attention of the relevant authorities. The Special Rapporteur had received a detailed reply on the two cases in February 1995. The execution of Lim Choon Chye had been delayed, because he had petitioned the President in mid-1994. The petition had been rejected.

13. Paragraph 376 of the report included Singapore among the countries from which the Special Rapporteur had received reports concerning "death sentences imposed after proceedings in which the defendants did not fully benefit from the rights and guarantees for a fair trial contained in the international instruments". His delegation took a serious view of suggestions that Singapore's judicial process was not independent and transparent, and it hoped that the situation would be clarified in the Special Rapporteur's next report.

14. Mr. DA SILVA (Observer for Portugal) said that, since 1992, Indonesia had been promising to punish those responsible for the killing of civilians during the incident of 12 November 1991. Yet the guilty parties in the military and the security forces had only received symbolic sentences, whereas the victims, who had been demonstrating peacefully, had received heavy prison sentences. Moreover, the Indonesian authorities had not taken the necessary steps to conduct an independent and impartial investigation with a view to punishing those responsible.

15. Indonesia had also been promising, since 1992, to release all East Timorese not implicated in violent activities, but had yet to do so. Fernando Araújo was a case in point. He had been sentenced to nine years' imprisonment for having organized a peaceful demonstration in Jakarta to protest against the events of 11 November 1991, but the Working Group on Arbitrary Detention had found that Mr. Araújo's arrest and detention had been unjustified and arbitrary.

16. In another case, José António Neves had been arrested in May 1994 for attempting to convey information by fax on the situation of human rights in East Timor. He had been accused of seeking to obtain international support for East Timor's independence and had been sentenced to four years' imprisonment on 20 February 1995.

17. The conclusions of the National Commission of Inquiry established by Indonesia to investigate the killings had proved contradictory and incomplete. The number of dead and their identities, as well as the location of those missing, remained unknown.

18. His delegation endorsed the request addressed by the Working Group on Arbitrary Detention to the Government of Indonesia to allow it to visit Indonesia and East Timor to investigate the case of Xanana Gusmão, and subscribed to the appeal by the European Union for Xanana Gusmão's release.

19. The Special Rapporteur on torture, who had requested permission to visit Indonesia and East Timor in 1993 and again in 1994 had so far not received an answer, even though Indonesia had undertaken to allow free access to East Timor. NGOs such as Amnesty International, the International Federation of Human Rights and Asia Watch had not been able to visit East Timor, and those that had been allowed access had been closely controlled by the authorities.

20. The human rights situation in East Timor had been deteriorating, violent incidents having occurred in July and November 1994. The Bishop of Dili had reported that 14 Timorese had been summarily executed by the security forces since December. In Baucau, five persons had been killed and several others wounded in January 1995. The Government's population transfer policy constituted the root cause of the conflict with the East Timorese.

21. Portugal had received information about the execution, on 12 January, of six Timorese civilians by the Indonesian armed forces in the Liquiça region. Following initial denials and assertions that the victims had been members of the armed resistance, the Indonesian authorities had recently admitted that civilians had been involved, that they had been killed "by accident", and that an inquiry was being carried out. A serious investigation was possible only if an independent commission of international experts was established.

22. Since January, the population of East Timor had been living in a state of fear. Gangs of masked men had kidnapped opponents of Indonesian rule and attacked their houses at night, and according to reliable sources the security forces were behind those attacks. Dili was again under strict military control, and there was every reason to believe that the announced reduction of military forces in East Timor was no more than an empty promise.

23. Mr. HELMIS (Observer for Greece) said that, owing to the intransigence of the Turkish Cypriots and Turkey, no progress had been made during the previous year towards a settlement of the situation in Cyprus.

24. The Republic of Cyprus had been invaded and occupied by another Member State of the United Nations which, altering the demographic composition of the occupied areas, had been committing gross human rights violations and had prevented Greek and Turkish Cypriots alike from circulating freely, settling where they wanted or acquiring property. Some 200,000 Greek Cypriots were still refugees in their own country, and their homes and property had been illegally given to others. Moreover, the fate of 1,619 missing Greek Cypriots and Greeks remained obscure.

25. The systematic looting of the cultural heritage of the occupied part of Cyprus constituted another serious violation of human rights. Invaluable treasures were smuggled out of the country or destroyed in an effort to erase history and culture. Place-names that had been used for centuries were being changed in an effort to create a misleading impression about the historical and cultural heritage of Cyprus.

26. Special attention should be devoted to the situation of Greek Cypriots enclaved in the occupied areas. Totalling 22,000 in 1974, their number had fallen to less than 700 following systematic oppression by the army of occupation, which forced most of them to abandon their ancestral homes.

27. The occupying Power must at long last be made to comply with Commission on Human Rights resolution 1987/50 as well as all other relevant United Nations resolutions. If the current situation was allowed to continue, it would seriously undermine the authority and prestige of the Commission.

28. Ms. SLESZYNSKA (Christian Democrat International), reviewing the human rights situation in a number of countries, expressed deep concern about the abuses committed in the Sudan in the name of religion. The authorities had starved large parts of the population, deporting them under cruel and inhuman circumstances. Armed groups wrongly termed "Christians" had also resorted to unjustified violence. In Iraq, criminals and deserters had been subjected to barbaric treatment, including the amputation of limbs, and physicians had been forced to participate. In the Islamic Republic of Iran, religious minorities were the targets of discrimination; political opponents had been tortured, and adequate legal controls were lacking.

29. The exploitation of Cuban workers by both the State and foreign companies particularly in the tourism industry, was scandalous. Trade union organizations in the industrialized countries should express their support for the legitimate aspirations of Cuban workers.

30. Notwithstanding the fundamental role that the United States had played in promoting human rights, justice and peace, she reaffirmed her organization's opposition to the unilateral embargo which that country had imposed upon Cuba. There was never any justification for punishing a people for the mistakes and abuses of its Government. While leaders of the party and the army continued to enjoy their privileges despite the embargo, it was the poor - the vast majority of the population - and above all children, who bore the brunt of that measure. The embargo, which allowed the Government of Cuba to conceal the total failure of its economic policy, had also been rejected by religious leaders and human rights defence organizations within Cuba itself. It had proved ineffective, whereas the experience of other countries showed that free trade was the way to bring about democratization. The Cuban people had become the hostage of the shortsighted interests of certain groups in the United States.

31. The Russian army's intervention in Chechnya had given rise to a war of extermination. It was difficult to understand why force was being used to suppress territorial, linguistic, ethnic or other conflicts which, by their very nature, could only be resolved by peaceful means.

32. Mr. GILANI (World Society of Victimology) said that the failure of the United Nations to make progress on the issue did not entitle India to claim that Kashmir was an integral part of its territory; United Nations resolutions did not lapse with time. India had been responsible for the killing of between 12,000 and 40,000 people in Kashmir, as well as torture, rape and disappearances.

33. The Commission must encourage India to allow a fact-finding mission to visit Kashmir, for the United Nations should not be deceived by India's attempts to shift attention from its questionable human rights record to Pakistan. Indeed, the only reason why India maintained 600,000 troops in Kashmir was to continue its policy of intimidation, repression and violation of human rights.

34. Mr. CHOEPHEL (Society for Threatened Peoples) said that China had been violating the civil, political, economic, social and cultural rights of the Tibetan people for the past 45 years, rejecting any criticism of its policies as interference in its internal affairs.

35. China at present maintained more than 300,000 soldiers in Tibet, in addition to large security forces. Arbitrary detention, involuntary disappearances and prolonged detention without sentencing continued, and international monitoring teams were not allowed into Tibet. The Tibetans were denied freedom of expression, association and religion, and any demand for greater autonomy, which was guaranteed under the Chinese Constitution, would only result in imprisonment for "counter-revolutionary propaganda".

36. His organization had received reports of more than 12 brief demonstrations in Tibet over the past two months, the latest, in Llasa on 25 February, having resulted in the arrest of several Tibetan nuns. The Chinese Government was also pursuing a massive population transfer policy, which had given rise to the economic, political and cultural marginalization of the Tibetan people and increased ethnic tension. If the Commission wanted to maintain its credibility, it should appoint a special rapporteur to investigate the situation of human rights in Tibet and encourage the Chinese authorities to enter into direct negotiations without preconditions with the Dalai Lama and his representatives with a view to the solution of the Tibetan question.

37. Ms. PARKER (International Educational Development, Inc.), reviewing the human rights situation in a number of countries, noted that the United Nations Special Representative had failed to mention the 14-year civil war in the Islamic Republic of Iran, which had escalated the conflict by using scud missiles. She hoped that the Special Representative and other investigators would provide information on the conflict.

38. With regard to Western Sahara, the Commission must take action in response to the failure to hold a referendum under United Nations auspices and work to bring an end to the Saharan war.

39. The war in Indian-occupied Kashmir had escalated, and there were at present between 600,000 and 800,000 Indian troops in that disputed territory. During the past three years, her organization had sent secret investigators to Indian-occupied Kashmir, one of whom had recently returned from a three-month stay and had reported that the war was not religious in nature, but was being fought to overcome the oppression of the occupier and to gain freedom and the rights promised to the Kashmiri people by the United Nations. The Indian forces were committing genocide against the people of Kashmir. The Commission must condemn India for its serious breaches of humanitarian law and urge the Secretary-General to start talks with India, Pakistan and representatives of the Kashmiri people on holding the promised plebiscite as soon as possible.

40. In Guatemala, there was no evidence that the Government had the political will or even the capacity to meet its obligations one year after the signing of the Comprehensive Agreement. The United Nations Human Rights Verification Mission in Guatemala (MINUGUA) must remain in place with adequate resources, and the Independent Expert must continue her work until genuine progress was made.

41. Mr. MOCONG ONGUENE (World Alliance of Reformed Churches) said that the fact that liberty, equality and pluralist democracy were unknown in Equatorial Guinea had led to the systematic disregard of human rights. There had to be some means of exercising public control over the acts of the Government and ensuring the accountability of the State and its officials.

42. Grave human rights violations in Equatorial Guinea continued to go unpunished. For example, it was still uncertain whether the murders of Pedro Motu Mamiaga, Gaspar Mbá Oyono and Dámaso Abaga Nvé had been properly investigated. The same applied to the recent murder, on 28 January 1995, of Martin Obama Ondó, allegedly by a member of the State security forces. Institutionalized impunity in Equatorial Guinea meant that there was no deterrent to prevent such crimes from recurring in the future.

43. Despite the measures adopted by the Government to depoliticize the appointment of judges and ensure the independence of the judiciary, the legal machinery remained slow and inefficient and was still replete with glaring shortcomings which sometimes meant that the accused were unable to defend themselves. Moreover, a variety of regulations, including outdated Spanish legislation from the period prior to 1968, as well as other legal provisions had not been published.

44. Equatorial Guinea must concentrate on the eradication of corruption, strengthen the rule of law and the independence of the judiciary and create a professional police force that was familiar with the International Covenants and relevant international human rights instruments, as well as codes of conduct for officials and principles governing the protection of persons subjected to any form of detention or imprisonment. Notwithstanding the introduction of legislation to protect the human rights of citizens, the Government of Equatorial Guinea had failed to prevent numerous cases of arbitrary abuse of power. Given the situation in that country, the mandate of the Special Rapporteur should be renewed.

45. Mr. ALVES (Movement against Racism and for Friendship among Peoples) said that he had been the organizer of a demonstration held on 12 November 1994 outside the United States embassy in Jakarta, in which a group of 78 young Timorese had taken part. Police and army surveillance had been such that, even though the group had travelled in silence, carrying nothing to attract attention, some of its members had been arrested as soon as they had left their trains. More than half the group had been detained by the time it had reached the embassy. In view of the large numbers of police and soldiers in the surrounding area, the group had realized that the only way to demonstrate for more than a few minutes would be to enter the embassy compound, which 29 of them had managed to do, although more than 30 others had already been arrested for no reason.

46. Once inside the United State embassy compound, the group had appealed for the release of Timorese political prisoners, and in particular Xanana Gusmão, the leader of the resistance movement. Without the active participation of Gusmão and the Catholic Bishop of Dili, Monsignor Ximenes Belo, the Indonesian Government could not hope to organize genuine reconciliation talks. To refuse their participation was as unreasonable as the Indonesian Foreign Minister's demand that the territory's status should not be discussed, although the question of status was at the very root of the issue.

47. Twelve days after the demonstration, when he had left Indonesia, six of his fellow demonstrators were still being detained. Indeed, any act - even mailing information about human rights violations or the struggle for self-determination - was likely to be characterized by the Indonesian authorities as a "crime against the State". His friend, José António Neves, had recently been tried for such a "crime" and sentenced to four years' imprisonment.

48. East Timorese and Indonesians alike were denied freedom of peaceful assembly, association and expression. The Commission should urge the Government of Indonesia to release trade union leaders Mochtar Pakpahan and Amosi, and he noted that some political prisoners in Indonesia had been in prison for almost 30 years and must be amnestied without delay.

49. East Timorese and Indonesians were two different peoples, each with its own historical and cultural background. If the United Nations intended to eradicate colonialism before the end of the millennium and the massive human rights violations in East Timor were to be stopped, action was needed to follow up the many resolutions adopted on the issue.

50. Ms. ROTH (International Human Rights Law Group), also speaking on behalf of the International Federation of Human Rights and France-Libertés: Fondation Danielle Mitterrand, said that despite the timid measures taken by Prime Minister Kengo since his election in June, the situation of human rights in Zaire had not progressed significantly. The Zairian armed forces and security services, acting with complete impunity, continued to be responsible for most of the human rights violations committed against the population, including torture, murders, arbitrary detention and pillaging. The Zairian Government had no control over them.

51. Zairian human rights organizations had condemned the existence of numerous places of detention under the sole control of the security forces, and according to a recent report there were 200 such places of detention in the city of Kinshasa alone.

52. Although the press had been liberalized somewhat, in Kinshasa at any rate, private radio stations in the provinces were prohibited from discussing political issues or enlightening the population about democracy and human rights. A law on the freedom of the press announced by the Government had yet to be adopted.

53. Notwithstanding statements by Prime Minister Kengo, the situation in the region of Shaba remained unchanged. The Jeunesse de l'Union des Fédéralistes et des Républicains Indépendants (JUFERI) continued to carry out attacks with impunity. On 24 February 1995, for example, a group of JUFERI militants had sacked the house of a person who had expressed his disagreement with the policies of Mr. Kuyungu, the Governor of the region; no effort had been made to bring charges against those responsible.

54. The situation continued to deteriorate in the Kivu region, where more than 1 million Rwandan refugees had sought refuge. Zairian soldiers had pillaged and committed numerous abuses, causing widespread insecurity. In the town of Goma alone, 75 murders had been reported between September 1994 and January 1995. During a demonstration in Bukavu on 6 December 1994, soldiers had entered the cathedral and had detained 11 priests for six hours.

55. The situation was particularly dramatic in northern Kivu, where ethnic tension had been running high. The Tutsis of Masisi, Rutshuru and Walikale had been forced to leave for Rwanda by the Hutus of the region, assisted by the former members of the Rwandan armed forces and militia. More than 500 persons had been killed in clashes and 50,000 displaced. The Zairian authorities had not only done nothing to prevent the foreseeable violence but had even seemed reluctant to stop it.

56. Since 1990, many NGOs had been formed in Zaire, and their members had consistently been the victims of reprisals, intimidation and arbitrary arrests. Although they operated openly, those bodies were illegal, because their status had never been recognized by successive Governments. On 27 January 1995, the Zairian Government had announced that all non-profit associations required the prior authorization of the authorities. That decision revealed the Zairian Government's determination to exercise systematic control over the activities of NGOs and signified a stifling of the right of association.

57. In view of the above, the Commission should renew the mandate of the Special Rapporteur on the situation of human rights in Zaire and follow up his recommendations, in particular on the establishment of a permanent base in that country to collect information and support the Zairian human rights movement.

58. Mr. VITTORI (Pax Christi International) said it was difficult to say whether the Sudanese dictatorship was manipulated by religious extremism or whether it was misusing religion for its own ends. Military operations were

being carried out against the civilian population in the South in a racist war conducted with weapons purchased in part from South Africa. Accusations of blasphemy were in fashion, but fortunately some judges had courageously resisted mob hysteria.

59. In Pakistan, two Christians had recently been acquitted of accusations of blasphemy. One of the two, a 14-year-old boy, had, although illiterate, been accused of writing blasphemous slogans on a wall of a mosque, but the judges who had pronounced the acquittal and the lawyers for the defence had been threatened with death.

60. In Rwanda, the worst case of genocide since the end of the Second World War had been perpetrated before the eyes of the world. It could have been avoided, but the Commission had not heeded the warnings of many NGOs or the Special Rapporteur on extrajudicial, summary or arbitrary executions. Action must be taken without delay to defuse the explosive situation there, otherwise a second war and renewed massacres were inevitable. Burundi was on the verge of a similar tragedy. One of the root causes of the continuing massacres had been that those responsible had gone unpunished.

61. The same was true in the former Yugoslavia, where those behind the policy of ethnic cleansing were regarded as respectable negotiating partners.

62. Pax Christi International supported the Chairman's statement on Chechyna and paid tribute to the mothers of young Russian soldiers conscripted against their will to fight in an unjust war.

63. The real victim of the war between Peru and Ecuador was the indigenous population. Since the goal of the conflict was to complete the conquest of Indian lands, he proposed the creation of a buffer zone between the two countries, in which the indigenous population could live in peace.

64. For the past 20 years, Indonesia had used brute force to prevent the colonized people of East Timor from gaining independence.

65. Owing to Moroccan pressure, it had not been possible to organize a referendum on the future of Western Sahara.

66. Mexico had placed its army at the service of rich landowners to combat the indigenous population of Chiapas. Pax Christi International welcomed the efforts of the mediator, Monsignor García, who had the support of the Vatican.

67. The Commission should appoint a special rapporteur on the situation of human rights in Colombia, where a civil war was raging, and it should renew the mandate of the Independent Expert on Guatemala.

68. Despite hopeful signs in Haiti, the militia must be disarmed, and the Commission on Justice and Truth must be able to carry out its mandate to investigate impunity.

69. Pax Christi International was concerned that the negotiations in Bougainville had failed, and was of the view that the Commission should call for a resumption of talks between the Government of Papua New Guinea and the interim authorities of Bougainville and encourage negotiations on the return of exiles.

70. In conclusion, he said that his organization was pleased that the prospects for peace in Ireland had grown brighter.

71. Mr. NARVAEZ GARCIA (American Association of Jurists) focused on the human rights situation in various countries.

72. Beginning with Zaire, he said that the enormous fortune that Mr. Mobuto had amassed by pillaging the Zairian people should be confiscated by the international community as a means of weakening his power.

73. In Western Sahara, the hopes aroused by the arrival of a United Nations presence had waned, and the Saharan population was exposed to daily harassment.

74. In Peru, notwithstanding the statement by the Minister of Justice of that country before the Commission, torture and enforced disappearances were still widespread and continued to go unpunished.

75. In El Salvador, the Peace Agreements had only been partially complied with by the Government, and the death squads had not stopped operating. The European Parliament had rightly stressed that the Agreements must be implemented in full, including the recommendations of the Commission on the Truth.

76. In Guatemala, despite the agreement with the insurgent forces, extrajudicial executions were continuing, and the death squads had not been disbanded.

77. The previous day, many people at the United Nations had worn a yellow arm band in a sign of mourning for the thousands of victims of human rights violations in Colombia and to demonstrate their concern at the absence, year after year, of any reaction on the part of the Commission. It was to be hoped that at the current session, attention would finally be focused on the ongoing grave human rights violations in that country.

78. Mr. CEPEDA CASTRO (American Association of Jurists) said that he wished to condemn the murder of his father, Manuel Cepeda Vargas, the last parliamentarian of the Colombian Left and the 2,444th victim from the ranks of the Patriotic Union and the Communist Party. Colombian NGOs, the Inter-American Court of Human Rights and the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions had all pointed to the existence of abundant evidence indicating that the crime had been the doing of the heads of the military, together with paramilitary groups.

79. For one year before his murder, his father had spoken publicly in Parliament and in the press about the threats against his life. Nevertheless, on 9 August 1994, just two days after President Ernesto Samper Pizano had taken office, his father had been murdered in front of his house, a few steps away from a police station.

80. The evidence had been sent to the Colombian courts, but it was common knowledge that the judiciary was powerless, because 99 per cent of the political crimes committed in Colombia went unpunished.

81. He wondered how many more persons would have to die before a special rapporteur was appointed to shed light on the monstrous human rights situation in that country. He asked the Commission to consider the question of human rights violations in Colombia, even though by so doing it meant that his life and those of his family members and other Colombians mentioned in the Commission would be placed in mortal danger.

82. Mr. KHAN (Asian Cultural Forum on Development) said that, during preparations for the Vienna World Conference on Human Rights, more than 110 NGOs from the Asia-Pacific region had adopted the "Bangkok NGO Declaration", which expressed their position on the right of their peoples to life and development free from all forms of domination.

83. The NGOs of the Asia-Pacific region would like to see a stronger commitment on the part of their Governments to implement the pledges made at the World Conference. Development had five dimensions, namely, peace, the economy, the environment, society and democracy, but to date, many countries, including China, had focused exclusively on economic growth.

84. National security laws were imposed to silence social and political protest and to legitimize gross human rights violations. The consequences of the deteriorating quality of life in the Asia-Pacific region had been massive unemployment, poverty and cutbacks in social services. Many Governments in that region had regularly used the pretext of "national security" and "stability" to justify repressive laws that allowed them to indulge in murder, torture, disappearances and arbitrary detention without trial. Myanmar, for example, continued to suppress its people as well as its ethnic minorities. Their goal was to preserve the status quo of the ruling élite and to serve the economic interests of foreign and multinational companies.

85. He called upon the Governments of all States, and in particular the States members of the Commission and the Asia-Pacific countries, to accede to and implement relevant international human rights instruments; review and repeal laws, policies and practices detrimental to the full realization of civil, political, economic, social and cultural rights; abolish national security laws obstructing civil and political rights; restructure national economic relations in agriculture and industry to make them people-oriented, environmentally friendly and able to ensure sustainable development; institute genuine democracy and popular participation in the political and economic spheres at community, national and international levels; and make drastic reductions in military expenditures, putting an end to the arms trade and redirecting military budgets for human development.

86. Ms. LONG (Anti-slavery International for the Protection of Human Rights) said that forced labour had been used by all sides in the Bosnian conflict, but impartial observers agreed that most systematic violations were occurring in the Serb-held areas of northern Bosnia, not only near the front or in crisis situations but throughout the entire territory - even in areas in which there had been no armed conflict and whose populations were not under threat of attack.

87. The Bosnian Serb authorities maintained that what they called the "work obligation" justified making all members of the civilian population of military age serve the State in which they were living, but evidence indicated that they were using forced labour in a highly discriminatory fashion. Work gangs were made up almost exclusively of Muslims, Croats or Roma, while the supervisors were almost always Serbs.

88. The use of forced labour in northern Bosnia was highly organized and involved the processing and movement of large numbers of persons. Many were held in camps far away from their dependents for weeks and months at a time, and the policy of the Bosnian Serb authorities seemed to be designed in part to oppress and humiliate the minority civilian population under its control. The problem had been worsening, and since the end of July 1994 women and children of 15 years of age had also become officially subject to the work obligation.

89. The use of forced labour in those circumstances was clearly in breach of international humanitarian law, including the provisions of the Geneva Conventions and the relevant conventions of the International Labour Organization.

90. Mr. QUAUNINE (Bangladesh), speaking in exercise of the right of reply, said that the statement made by the representative of France on behalf of the European Union had been based on partial and not entirely objective information that did not reflect the realities on the ground.

91. Concerning the situation in the Chittagong Hill Tracts, the cease-fire had been further extended until 31 March 1995 to facilitate the ongoing dialogue aimed at finding a comprehensive political solution. As part of the confidence-building process, his Government had extended the tenure of the local government councils in the Chittagong Hill Tracts for a further two years from 5 January 1995.

92. With regard to the repatriation of Bangladeshi tribal refugees at present in the Indian state of Tripura, his Government had sent a high-level parliamentary delegation to Tripura to hold extensive discussions with senior Indian officials to work out the modalities of subsequent repatriation. A visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions to the Chittagong Hill Tracts at a time of ongoing political dialogue on the repatriation of Bangladeshi tribal refugees from India would only complicate the issue.

93. On the question of the repatriation of Myanmar refugees, his delegation expressed surprise that the representative of France had brought up an issue that had already been effectively resolved, resulting in the present accelerated pace of repatriation through voluntary registration. The procedure had been accepted and was being implemented by the Governments of Bangladesh and Myanmar, the United Nations High Commissioner for Refugees and the refugees themselves.

94. As to Ms. Taslima Nasreen, his Government had not interfered with her freedom of expression. Indeed, Ms. Nasreen had written extensively on women and social issues and she had seen for herself that the rule of law prevailed in Bangladesh, because she was currently being represented in a legal action through her lawyer while she was travelling abroad as a free citizen of Bangladesh, and she had herself recently entered an appeal to quash a case filed against her in a lower court.

95. Mr. EGÜZ (Observer for Turkey), speaking in exercise of the right of reply, said he was astounded by the statement made by the representative of France on behalf of the European Union. In a democratic country, no one had the right to resort to violence or to fight for self-determination, but apparently the European Union regarded terrorist violence as a means of promoting human rights.

96. In late 1993, two European Union countries had prohibited the activities of PKK and its front organizations in their territories on grounds of terrorism. Turkey was grateful for that decision, even if it had taken nine years of PKK killings. It was therefore curious that the 13 other member States of the European Union tolerated the activities of PKK against Turkey, in violation of their obligations under international law.

97. For the representative of France, the murder by terrorists of 4,000 innocent civilians represented humanity, whereas the legitimate struggle against terrorism was unjustified.

98. Mr. ALEMU GETAHUN (Ethiopia), speaking in exercise of the right of reply, said that, in an earlier statement, the International Confederation of Free Trade Unions had misrepresented developments concerning the Confederation of Ethiopian Trade Unions. In actual fact, the Transitional Government of Ethiopia had done everything possible to resolve the differences between the leaders of the Confederation, as required by law. As that effort had failed, it had had to withdraw the Confederation's certification, and its decision had been confirmed by the courts. His Government had therefore acted in full compliance with the law in an effort to reach an amicable solution. Ethiopia had no intention of placing trade unions under government control or influencing their operations in any fashion, and the Confederation could resume its activities as soon as its internal problems had been resolved.

99. Mr. KOIKAI (Observer for Kenya), speaking in exercise of the right of reply, said that in their statements earlier in the day, the representative of France, speaking on behalf of the European Union, and the representative of Canada had made unfounded assertions about ethnic fighting and the forced displacement of people in his country.

100. His Government had made tremendous efforts and achieved considerable success in resolving the problem of ethnic clashes and the displacement of people in the areas directly affected. Together with the United Nations Development Programme, Kenya had resettled many displaced persons, was continuing its efforts to achieve harmony between the ethnic communities involved, and had restored security in the affected areas. His Government had been objective in dealing with the issues, and all persons found guilty of instigating ethnic violence had been apprehended and brought to justice in accordance with the law.

101. Mr. BEBARS (Egypt), speaking in exercise of the right of reply to an earlier statement by the Arab Organization for Human Rights, said that his Government regretted the disappearance of Mr. Mansour al-Kikhya while in Cairo. The security forces had been conducting an intensive search, Interpol had been contacted and every effort would continue to be made to learn what had happened to him. Such investigations required a certain amount of confidentiality to prevent the perpetrators from misusing certain information. If it was established that Mr. Mansour al-Kikhya had been kidnapped, Egypt would consider taking other action.

102. Mr. AL-DURI (Observer for Iraq), speaking in exercise of the right of reply, said that the report of the Special Rapporteur on the situation of human rights in Iraq was part of a campaign against his country. There was no legal justification for the Security Council's extension of the embargo on Iraq. The blockade constituted a flagrant violation of human rights, in particular the right to food and to medical care.

103. A previous speaker had maintained that the Government had been guilty of human rights violations in Iraqi Kurdistan. Yet that was a region which was not under the control of the central Government.

104. Concerning the regions under the control of the Alliance States, the allegations recently made in London by an NGO concerning murder and torture in that area were unfounded: the rival groups concerned were killing each other.

105. It came as no surprise that the representative of one NGO had called for the division of Iraq. That person had been living in Israel for more than 20 years, and yet claimed to speak on behalf of the Kurds.

106. Mr. AKRAM (Pakistan), speaking in exercise of the right of reply, said that Kashmir's destiny would be decided by the Kashmiri population itself, and no amount of declarations by hired Muslims could change that fact. India's response to Kashmir's aspirations for liberty was classically colonial: massive oppression. The Commission must condemn India's systematic human rights violations in Kashmir.

107. It was odd that the Indian delegation had accused Pakistan of fundamentalist terrorism while 30 to 40 Kashmiris were dying every day at the hands of the Indian oppressors. Moreover, thousands of Muslims had been killed in Bombay, mosques had been destroyed by Hindu fundamentalists, and India was torn by a caste system and religious and ethnic hatred; the country with the world's worst human rights record had no right to criticize others.

108. Mr. CHANDRA (India), speaking in exercise of the right of reply, said that the people of Jammu and Kashmir, as free citizens of a democratic country, had long since resolved the question of self-determination. The only people of Kashmir not permitted to decide their destiny were the unfortunate inhabitants of Pakistan-occupied Kashmir. Pakistan was not motivated by concern for the human rights of the population of Jammu and Kashmir, but by a striving for territorial aggrandizement. Indeed, the root cause of the problem in Jammu and Kashmir was Pakistan's involvement in terrorism. Just how concerned Pakistan was about human rights could be seen in the latest report of Amnesty International, which found that torture by electric shocks and cigarette burning, rape and beatings continued in police custody, in the paramilitary forces and the army and in jails around the country. Those responsible usually went unpunished. Moreover, Pakistan continued to smuggle weapons and use religious fanatics to foment subversion in States adjacent to India. More recently, drug money had been used for the same purpose.

109. Mr. AKRAM (Pakistan), again speaking in exercise of the right of reply, said that while his country was not perfect, India was a fascist State masquerading as a democracy.

110. He, too, referred the Commission to a recent report of Amnesty International, the one made available in the Commission the previous day, which had concluded that Indian security forces had routinely killed hundreds of young men detained as suspected militants and had detailed cases of more than 700 detainees allegedly tortured to death or shot outright. The Commission should undertake an impartial investigation of the situation and ensure that India allowed the Commission to send its thematic experts on torture and extrajudicial execution to visit the region. Pakistan was prepared to accept such an investigation.

111. Mr. CHANDRA (India), again speaking in exercise of the right of reply, said that Pakistan had ruthlessly bombed its own nationals into submission and had committed such untold brutality in its own country that it had led to its division. Any country whose laws allowed children to be sentenced to death should not preach to others about human rights.

112. Mr. AL-HADDAD (Observer for Bahrain) said that a number of NGOs had made unfounded allegations about his country that merely served the propaganda aims of foreign extremist groups attempting to heighten tension, cause violence and destabilize the region. They were the words of people who regarded terrorism as a means of achieving their ends. Bahrain respected human rights and spared no effort to improve the human rights situation in the country.

113. Mr. ZHANG Yishan (China) said that the use of human rights to criticize others was a speciality of the United States, which year after year fabricated the same lies. Recently it had incorporated a few cosmetic changes in its attacks, and had said it hoped to see China grow and develop, but that if China did not comply with its wishes, it could not assume its rightful place in the community of nations. In the past, the United States and a number of

other countries had helped make China a semi-feudal and semi-colonial State. Since its founding in 1949, the new China, resisting the pressure, encirclement tactics and blockade of the United States and some of its allies, had restored its position in the international community solely through its own efforts.

114. It would be more appropriate for the United States to consider how long it could continue its super-Power policy, its intrigues and its use of human rights to attack other countries.

115. Mr. MORA (Cuba) said that for months the United States had been spreading lies about the so-called tugboat case, although the situation that had arisen had been of its own making. It was the height of cynicism to try to exploit a regrettable accident and the death of innocent victims. The United Nations had wilfully encouraged the theft of private and State property, promoted illegal departures and even instigated the murder of innocent people, and now it was protecting those responsible.

116. The United States had spoken not about the situation of human rights in a country but about the situation of the delegation of Cuba and had complained about its working methods, its submission of amendments, and so forth. What had become of the right to freedom of expression? There was a structure in the United States known as the Statue of Liberty, but it had been imported, and it was hollow inside.

The meeting rose at 1 a.m.